

R E M A R K S

Claims 1-11 are now in this application, and are presented for the Examiner's consideration.

Information Disclosure Statement

It was stated that the Information Disclosure Statement is not valid since it does not include a concise explanation of the reference. However, it is respectfully submitted that the Manual of Patent Examining Procedure (MPEP) of the Patent Office specifically states that a copy of an English-language Search Report from a foreign patent office satisfies the requirement for a concise explanation of the references. Specifically, under MPEP 609.04(a) III, it states:

"Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report."

An English-language copy (and German language copy) of the International Search Report was submitted with the application, which indicates the relevance of the first four references in the Information Disclosure Statement. The relevance of the references is designated by the letters "A" and "X". These documents have been located on the PAIR system as one of the documents submitted with 371 application. As to the last two

references cited in the Information Disclosure Statement, a copy of the German Patent Office search report (in German) and an English-language translation thereof was submitted with the application, in which the relevance of these references was designated by the letter "Y". This is the six page document identified as an NPL document under the PAIR system.

It is therefore submitted that the requirement for a concise explanation has been met, according to MPEP 609.04(a), and it is requested that the references be made of record in the present application.

#### Prior Art Rejections

Claim 1 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,746,081 to Klingler, and Claim 5 was rejected under 35 U.S.C. §103(a) as being obvious from Klingler.

Since the majority of the limitations of claim 5 have been incorporated into claim 1, these rejections will be discussed together.

It was stated in relation to present claim 5 that, "Although the supporting element and the transverse rods are produced separately and fastened together, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have fastened the supporting element to the transverse rods by molding the supporting element so as to encapsulate the

transverse rods since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art" (emphasis added). See the sentence spanning pages 4-5 of the Office Action.

Thus, it is admitted that Klingler fails to disclose the simultaneous production by molding of the support element and at least one cross bar. The issue then is whether it would have been obvious to do so from the prior art of record.

It is particularly noted that, at the time the present invention was made, seat inlays with a lordosis support of the type disclosed by Klingler have always been made of two components of different materials, namely, a supporting element made of plastic and a grid made of metal wires forming the longitudinal bars and the cross bars. Thus, the invention does not just consist in forming in one piece the two members that have heretofore been assembled from two pieces, but also includes the important aspect of replacing the cross bars that have formally been formed by metal wires by cross bars molded from plastic and simultaneously molding the same. It is submitted that this aspect was not obvious at the time the present invention was made, because it had been believed that the specific rigidity and elasticity requirements that were imposed on the grid could only be fulfilled with a grid made of metal wires. The inventor herein has found that the rigidity

requirements can be fulfilled by using only longitudinal bars formed by metal wires whereas the required elasticity of the cross bars can also be achieved with plastic elements, which, then, opens the possibility to form the support element and the cross bars in one piece.

The state of the art that has been discussed above, has also been described in detail by Klingler. Specifically, an objective of Klingler is to simplify the automatic production (column 3, line 21) and to make the forces necessary to remove the lordosis support from its individual fastening wires great (column 3, lines 23 to 26). Klingler provides a solution corresponding to these objects which is also defined in claim 1 therein, in which the essence of the teaching of Klingler is to provide a specific snap-fastening type mechanism for attaching the support element to the cross bars of the grid. In Klingler, "supporting part 1 is fastened to the carriers 3 by means of wires 2 and 9 which are fastened in mountings 12, 13 in the supporting part", even though "supporting part 1 is made from plastic material" (column 6, lines 9-13). Therefore, Klingler merely confirms the state of the art, by providing a separate connection.

It is submitted that there is no disclosure or even a remote suggestion in any reference of record of both forming the cross bars of plastic and also molding at least one cross bar and the support simultaneously to form these elements as one piece. In

fact, the known prior art, including Klingler, teaches away from this aspect of the present invention.

Had it been obvious to make the cross bars themselves from plastic and to also form them in one piece with the support element, then the invention taught by Klingler would have been obsolete from the outset.

Thus, Klingler only confirms to a person of ordinary skill in the art that it is necessary to provide a metal grid and to find a way for securely snap-fastening the plastic support element to that grid.

Consequently, it is submitted that it would never have occurred to a person of ordinary skill in the art that all the problems discussed and solved by Klingler can be removed simply by replacing the metal wires by plastic cross bars and forming the supporting element and these cross bars in one piece.

In order to emphasize this distinction, the limitations of claim 5 of a lordosis support having a plate-like support element made of plastic and formed in one piece with at least one of the cross bars, has been added to claim 1.

Further, new dependent method 11 has been added which recites the step of simultaneously molding the plate-like support element in one piece with said at least one of the cross bars.

Accordingly, it is respectfully submitted that the rejection of claims 1 and 5 under 35 U.S.C. §102(b) or §103(a), as applied to amended claim 1 herein, has been overcome.

Claims 2-4 and 6 were rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of U.S. Patent No. 6,152,531 to Deceuninck.

The remarks previously made above in regard to Klingler are incorporated herein.

However, Deceuninck fails to cure any of the aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claims 2-4 and 6 under 35 U.S.C. §103(a), has been overcome.

Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of U.S. Patent No. 4,722,821 to Vermilye.

The remarks previously made above in regard to Klingler are incorporated herein.

However, Vermilye fails to cure any of the aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claims 7 and 8 under 35 U.S.C. §103(a), has been overcome.

Claim 9 was rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of Vermilye as applied above, and further in view of Japanese Publication No. 01214417.

The remarks previously made above in regard to Klingler are incorporated herein.

However, Vermilye and the Japanese Publication both fail to cure any of the aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claim 9 under 35 U.S.C. §103(a), has been overcome.

Claim 10 was rejected under 35 U.S.C. §103(a) as being obvious from Klingler in view of Vermilye as applied above, and further in view of U.S. Patent Publication No. 2005/0016660 to Herbst.

The remarks previously made above in regard to Klingler are incorporated herein.

However, Vermilye and Herbst both fail to cure any of the aforementioned deficiencies of Klingler.

Accordingly, for the same reasons given above in regard to claim 1, it is respectfully submitted that the rejection of claim 10 under 35 U.S.C. §103(a), has been overcome.


If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 07-1524.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1524.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-11 are allowable, and early and favorable consideration thereof is solicited.

Respectfully submitted,

  
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